

these issues every month of this year, I think, leading up until maybe about 4 or 5 more months, the Members will have an opportunity to go back to their districts for a week and have these district work weeks. I encourage all of our constituents to engage us on these issues and to continue to keep the pressure on so that we make the right decisions here in Washington, DC.

Mr. Speaker, it was an honor to address the House once again. I yield back the balance of my time.

PROTECT AMERICA ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. MCCAUL) is recognized for 60 minutes as the designee of the minority leader.

Mr. MCCAUL of Texas. Mr. Speaker, I rise today in support of the Protect America Act, and I urge the Democratic leadership in the House to bring to the floor the bipartisan bill that was passed in the Senate overwhelmingly which brought this act to permanency.

Unfortunately, last month what we saw was, on February 15, this act did not come to the floor; rather, it expired. The Democratic leadership failed to bring that to the House floor. And with the expiration of the Protect America Act, our intelligence communities went dark in many parts of the world.

This is a game of dangerous politics. It is putting the American people at great risk as every day passes. I urge again the Democratic leadership to bring the bipartisan Senate bill to the floor so that democracy can operate, because the American people support this bipartisan legislation that the Senate passed and we need to pass it now to protect American lives. If I can just step back and give this some context.

The Foreign Intelligence Surveillance Act actually passed in 1978, during the Cold War. It was a time, again, during the Cold War, not the threat that we face today, a very different threat. The FISA Act, because the technology now has outdated the law, needs to be modernized. And that is exactly what the Protect America Act does.

The Director of National Intelligence came to the Congress last year to tell us that we needed this modernization because there are dangerous loopholes and intelligence gaps in our collection capability, and that needed to be fixed. Many of us here in the House listened to that warning, answered that call, and voted in a very bipartisan way last August for the Protect America Act. Unfortunately, as I stated, last month, on February 15, the Democratic leadership allowed that act to expire, again placing Americans in grave jeopardy.

And what did we hear from the Democratic leadership at that time? Majority Leader STENY HOYER said, there really is no urgency here; the in-

telligence agencies have all the tools that they need. Chairman SILVESTRE REYES at the time said, Things will be just fine. Things will be just fine.

But things aren't fine. And all you have to do is look at a letter that we received in the Congress from the Director of National Intelligence and the Attorney General pointing out the grave risk that this expiration is giving to the American people. They said: The expiration of the authorities in the Protect America Act would plunge critical intelligence programs into a state of uncertainty, which could cause us to delay the gathering of, or simply miss, critical foreign intelligence information. And then, they say, that is exactly what has happened since the Protect America Act expired days ago without the enactment of the bipartisan Senate bill.

This is the Director of National Intelligence, a man who served under Democrats and Republicans. This is the Attorney General of the United States. They said we have lost intelligence information this past week as a direct result of the uncertainty created by Congress' failure to act. I submit that this is not only a failure to act; it is a dereliction of duty to the American people. We have the most solemn obligation first and foremost to protect the American people. Mr. Speaker, we are failing in that obligation in the House today.

Intelligence is the best weapon we have in the war on terror. Intelligence is the first line of defense in the war on terror. And, if I could step back to 1993 and tell a story.

I used to work in the Justice Department. I worked on FISAs. In 1993, an individual named Ramzi Yousef came in the country with a fake Iraqi passport, and he plotted to bring down the World Trade Center. Fortunately, he wasn't successful that day, although he did kill people. Innocent lives were lost, and he caused great damage to these buildings. He fled, ended up eventually in Islamabad in Pakistan, where he met up with his uncle, Khalid Shaikh Mohammad. Khalid Shaikh Mohammad of course is the mastermind of September 11. There, they talked about the idea of flying airplanes into buildings.

Eventually, Ramzi Yousef was caught in Islamabad and brought back to justice. But the intelligence that we missed back then because some of the flaws in the system, the 9/11 Commission studied this and they made several recommendations. And, of course, at the time they analyzed what we passed in the PATRIOT Act to fix this problem, that being the fact that a wall separated the criminal division from the foreign counterintelligence. The left hand literally didn't know what the right hand was doing. This caused great consternation within the Justice Department and within the intelligence community. I remember working before the PATRIOT Act passed and I remember some of these frustrations myself.

There is a great quote from an FBI agent who was frustrated with this. He said: You know, someday someone will die and, wall or not, the public will not understand why we were not more effective at throwing every resource we had at certain problems. Let's hope the national security law unit will stand behind their decisions then, especially since the biggest threat to us now, Osama bin Laden, is getting the most protection.

I draw this analogy because the same principle applies to the FISA modernization, and that is that if we fail to pass this act, someday someone will die.

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The biggest threat to us is Osama bin Laden and al Qaeda; and they are, unfortunately, now getting great protections. They are getting constitutional protections that they don't deserve. We are required to go to this FISA Court any time we want to listen to overseas intelligence. Foreign communications from a foreign terrorist to a foreign terrorist, we are required to go to a court in the United States with a showing of probable cause, giving a terrorist constitutional protections they do not deserve and putting not only Americans in the United States at great risk, but the war fighter abroad at great risk.

There is a great example last year. Three American soldiers were kidnapped. Because of the FISA restrictions, we had to get lawyered up, go to the FISA Court, apply for a warrant, and show probable cause for an emergency FISA warrant. Many hours expired. In the meantime, one of those soldiers was killed, and two we haven't heard from since. This is a tragic outcome. Again, this is putting Americans at great risk.

We talk a lot in the 9/11 Commission about connecting the dots. And the fact of the matter is, if we can't gather and collect those dots, there is no way we can connect the dots. And the gentlelady from New Mexico has stated so eloquently so many times that very point. I want to yield to her. The gentlewoman from New Mexico (Mrs. WILSON) has been the leader in the House on this issue. She was the one who really brought this issue to the attention of the Congress, and I believe America owes her a great deal of gratitude, so we can fix this intelligence gap we currently have in the law and ultimately save lives.

Mrs. WILSON of New Mexico. I thank my colleague from Texas, and I also thank him for his leadership on this issue. It has been a tremendous help to this body to have people who have actually worked and tried to enact and implement the provisions of the Foreign Intelligence Surveillance Act to come and be able to explain why it doesn't work in the way it is intended to work in a time of terror.

I think it is important for people to understand, what is the Foreign Intelligence Surveillance Act and why do we